BACKGROUNDER NO. 5-5459 JANUARY 21, 1978
FRED BROWN/NEW DELHI

MISSUS GANDHI UNDER QUESTIONING

ANNCR: FORMER INDIAN PRIME MINISTER INDIRA GANDHI HAS CLASHED AGAIN WITH A GOVERNMENT COMMISSION INQUIRING INTO ALLEGED EXCESSES DURING THE STATE OF EMERGENCY PROCLAIMED WHEN SHE WAS RUNNING THE INDIAN GOVERNMENT. AS A RESULT, SHE NOW FINDS HERSELF FACED WITH N O T ONE, BUT TWO, CHARGES OF CONTEMPT. AS WE HEAR IN THIS BACKGROUND REPORT FROM CORRESPONDENT FRED BROWN.

VOICE: THE COMMISSION, PRESIDED OVER BY FORMER SUPREME COURT CHIEF JUSTICE J.C. SHAH, HAS BEEN SEEKING TO QUESTION MISSUS GANDHI ABOUT ELEVEN SPECIFIC EXCESSES IN WHICH SHE IS SAID TO BE IMPLICATED. THE FORMER PRIME MINISTER WAS FIRST CHARGED WITH CONTEMPT A WEEK AGO, WHEN SHE REFUSED TO SUBMIT A WRITTEN STATEMENT ON THE ELEVEN CASES AS DIRECTED BY JUSTICE SHAH. DURING THE EARLIER PROCEEDINGS, LAWYERS FOR MISSUS GANDHI ARGUED THAT IN AT LEAST TWO OF THE CASES, THE WORDING WAS VAGUE. JUSTICE SHAH AGREED--BLAIMING THE VAGUENESS ON A TYPOGRAPHICAL ERROR, AND HE DIRECTED THAT A NEW AND AMENDED SUMMONS BE ISSUED. THUS IT WAS THAT MISSUS GANDHI FOUND HERSELF BACK BEFORE THE COMMISSION ON THURSDAY.

THE NEW CONFRONTATION WAS ALMOST A CARBON COPY OF THE EARLIER ONE. MISSUS GANDHI'S CHIEF ATTORNEY, FRANK ANTHONY, ONCE AGAIN OBJECTED TO THE PROCEDURES BEING FOLLOWED AND ONCE AGAIN SUGGESTED THAT THE INQUIRY WAS POLITICALLY MOTIVATED. JUSTICE SHAH LISTENED PATIENTLY AND POLITELY TO THE ARGUMENTS UNTIL MISTER ANTHONY SUGGESTED THAT THE JURIST WAS BIASED AGAINST HIS CLIENT. THIS BROUGHT A STERN REBUKE FROM JUSTICE SHAH AND A VEILED WARNING THAT THE ATTORNEY WAS TREADING ON DANGEROUS GROUND.

THURSDAY'S SESSION DIFFERED FROM THE EARLIER CONFRONTATION IN THAT, AFTER REJECTING THE ATTORNEY'S CONTENTIONS, JUSTICE SHAH CALLED UPON MISSUS GANDHI TO TAKE THE WITNESS CHAIR. DURING THE EARLIER HEARINGS HE HAD ALLOWED THE FORMER PRIME MINISTER TO ADDRESS THE COURT FROM THE SAME POSITION USED BY HER ATTORNEY. IN THE DRAMATIC EXCHANGE THAT FOLLOWED, MISSUS GANDHI REPEATEDLY REFUSED THE REQUEST THAT SHE SIT IN THE WITNESS CHAIR, ANSWERING EACH TIME, "I DECLINE ON GROUNDS I AM N O T LEGALLY OR CONSTITUTIONALLY BOUND TO DO SO."

WHEN MISSUS GANDHI REFUSED TO GO ON, SAYING SHE WOULD ANSWER NO MORE QUESTIONS, JUSTICE SHAH DICTATED HIS VERDICT. HE SAID THAT, IN HIS OPINION, OFFENSES HAD BEEN COMMITTED UNDER TWO SECTIONS OF THE INDIAN PENAL CODE AND HE DIRECTED THAT MISSUS GANDHI BE PROSECUTED FOR BOTH. IN EACH CASE, CONVICTION COULD RESULT IN UP TO SIX MONTHS IN JAIL OR A FINE OF ONE THOUSAND RUPEES OR BOTH. FROM HER DEMEANOR AT THE HEARING, SOME OBSERVERS WERE LEFT WITH THE IMPRESSION THAT A JAIL TERM MIGHT NOT DISPLEASE MISSUS GANDHI AT ALL. MOST OF THE TIME SHE SAT WITH A FAINTLY BEMUSED EXPRESSION ON HER FACE, BUT WHEN HER MOMENT CAME SHE APPEARED TO RELISH THE CONFRONTATION. MISSUS GANDHI IS SAID TO FEEL THAT A JAIL TERM MIGHT BE USED TO BOLSTER HER CLAIM THAT SHE IS THE VICTIM OF A POLITICAL VENDETTA, AND THAT IT MIGHT SERVE AS A RALLYING CRY FOR HER FACTION IN THE RECENTLY SPLIT CONGRESS PARTY.

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